

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VANESSA BRITO,
on behalf of himself and all others
similarly situated,

Plaintiff,

vs.

ADG, LLC d/b/a GREAT
EXPRESSIONS DENTAL CENTERS,

Defendant.

Case No.: 2:23-cv-11185-JJCG-CI

**UNOPPOSED MOTION TO
CONSOLIDATE CASES, SET
DEADLINE FOR
CONSOLIDATED COMPLAINT,
AND SET DEADLINE FOR
PARTIES TO PROPOSE A
DEADLINE TO ANSWER THE
CONSOLIDATED COMPLAINT
OR A BRIEFING SCHEDULE
FOR A MOTION TO DISMISS**

Plaintiff Vanessa Brito, (“Plaintiff”), individually and on behalf of all others similarly situated, pursuant to Fed R. Civ. P. 42(a) and LR 42.1, moves the Court for an order consolidating this case with three subsequently filed cases: (1) *Denson v. Great Expressions Dental Centers*, No. 2:23-cv-11220-GCS-CI, filed May 23, 2023, and pending before Hon. Jonathan J.C. Grey; (2) *Coffey v. Great Expressions Dental Centers, P.C.*, No. 2:23-cv-11223-MFL-CI, filed May 23, 2023, and pending before Hon. Matthew F. Leitman; and (3) *Williams v. Great Expressions Dental Centers*, No. 2:23-cv-11386-LVP-DRG, filed on June 9, 2023, and pending before Hon. Linda V. Parker (Plaintiff and the collective plaintiffs in these cases being “Plaintiffs” and

Defendant and the collective defendants in these cases being “Defendants”). Plaintiff further asks the Court order that (i) within 28 days from the date the Court enters a consolidation order, Plaintiffs shall file a consolidated complaint and (ii) within 10 days of Plaintiffs filing the consolidated complaint, the parties shall submit a stipulated order setting (a) a deadline for Defendants to answer to the complaint or (b) a briefing schedule for Defendants’ motion to dismiss.

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Additionally, Local Rule 42.1 provides that “[a] party seeking to consolidate cases under Federal Rule of Civil Procedure 42(a) must: (1) file a motion in the case with the earliest case number; and (2) file a notice of the motion in each related case.” *Id.* § (a). “The district judge presiding in the earliest numbered case will decide the motion. However, the motion may not be granted unless the judges presiding in the related cases consent.” *Id.* § (b). “If the motion is granted, the consolidated cases will be reassigned to the judge presiding in the earliest numbered case.” *Id.* § (c).

On May 18, 2023, Plaintiff Brito initiated this earliest numbered case against Defendant, alleging claims arising from a data breach on behalf of individuals whose information was impacted by the data breach. *See* ECF No. 1. The later numbered

Denson, *Coffey* and *Williams* cases raise common questions of law and fact as they arise from the same data breach and assert similar claims on behalf of individuals whose information was impacted by the data breach. Consequently, consolidation of these actions will allow these claims to proceed in a more efficient and less time consuming manner.

As required by L.R. 42.1, Plaintiff's counsel will, contemporaneously with filing this motion, file a notice of the motion in *Denson*, *Coffey* and *Williams*. Furthermore, Plaintiff's counsel has conferred with counsel for plaintiffs in the *Denson*, *Coffey*, and *Williams* cases, and is authorized to represent that they agree to the relief sought in this motion.

As required by L.R. 7.1, Plaintiff's counsel has conferred with Defendant's counsel, who confirmed that Defendant does not oppose the relief sought in this motion. The parties intend to submit a stipulated order, *see id.*, but are filing this motion as well in compliance with L.R. 42.1.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order (i) reassigning *Denson*, No. 2:23-cv-11220-GCS-CI, and *Williams*, No. 2:23-cv-11223-MFL-DRG to Hon. Jonathan J.C. Grey, the judge presiding in this earliest numbered case, and consolidating this case with *Denson*, *Williams*, and *Coffey* (No. 2:23-cv-11223-JJCG-CI) (ii) ordering that within 28 days from the date the Court enters a consolidation order, Plaintiffs shall file a consolidated complaint and (iii) order that

within 10 days of Plaintiffs filing the consolidated complaint, the parties shall submit a stipulated order setting (a) a deadline for Defendants to answer to the complaint or (b) a briefing schedule for Defendants' motion to dismiss.

Date: July 14, 2023

Respectfully Submitted,

/s/ Ryan D. Maxey

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on July 14, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ Ryan D. Maxey

Ryan D. Maxey